IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7114 of 2004

Between:

Syed Iliyas, S/o Ishack,
R/o Rajahmundry, East Godavari District.

..... PETITIONER.

AND

1 Superintendent of Police, East Godavari district at Kakinada.
2 Sub-Divisional Police Officer, Rajahmundry, East Godavari District.

3. Sub Inspector of Police , I Town P.S., Rajahmundry, East Godavari District.
4. Sub Inspector of Police, III Town P.S., Rajahmundry, E.G.Dist.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents 3 and 4 in opening the rowdy sheets consequent to the crime No. 122/2000 against the petitioner, as illegal, arbitrary, mala fide and violative of principles of natural justice and for a consequential order directing the respondents 2 to 4 to delete the name of the petitioner from the rowdy sheet opened by the respondents 3 and 4 and to close the same by following the due process of law.

Counsel for the Petitioner:MR.CH.DHANAMJAYA

Counsel for the Respondents: GP FOR HOME

The Court made the following :

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ORDER:

Heard both sides. At their request, the writ petition itself is taken up for disposal.

2. The petitioner who is a practicing Advocate at Rajahmundry Bar, filed this writ petition, *inter alia*, seeking writ of Mandamus to declare the action of the 3rd respondent in opening the rowdy sheet against him consequent to Crime No.122 of 2000 as illegal, arbitrary, malafide and violative of principles of natural justice.

3. The case of the petitioner is that he is a practicing Advocate and he was unnecessarily implicated in Crime No.122 of 2000 and the3rd respondent opened rowdy sheet against him without any valid reason and the said rowdy-sheet is liable to be quashed. Hence, the writ petition.

4. In the counter affidavit filed by the respondents, it is stated that there is already a case registered against the petitioner in Crime No.122/2000 of III Town (L&O) P.S. Rajahmundry for the offence under Sections 120-B, 302, and 303 r/w Section 109 of the India Penal Code and the same was subsequently taken up as P.R.C.No.35/2001 on the file of the III Addl.Judicial First Class Magistrate and still the said case is pending. It is also submitted that another case in CrimeNo.105/2004 was also registered under Section 110-E of the Criminal Procedure Code and he was bound over by the concerned Executive Magistrate, Rajahmundry to keep peace. Further, it is stated that only because the Sub Divisional Police Officer has directed to open rowdy sheet, the same was opened.

5. Having regard to the submissions made and on perusal of the material, it is to be seen that the earlier offence is of the year 2000 and subsequently he involved in

another case in Crime No.105/2004. A perusal of the counter affidavit shows that it is totally silent as to the review of the case and also necessity to continue him as rowdy sheeter. Having regard to the same, I do not find any merits in the writ petition. Accordingly, the writ petition is disposed of directing the respondents to conduct a review and consider the case of the petitioner taking into consideration the principles laid down in the judgment rendered by this Court in S.SATYANARAYANA v. STATE OF A.P. within a period of four weeks from the date of receipt of a copy of this order.

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B.PRAKASH RAO, J

ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER.

Chvn/BJ.

23rd July, 2004

To

1 Superintendent of Police, East Godavari district at Kakinada.
2 Sub-Divisional Police Officer, Rajahmundry, East Godavari District.
3. Sub Inspector of Police, I Town P.S., Rajahmundry, East Godavari District.

4. Sub Inspector of Police, III Town P.S., Rajahmundry, East Godavari District.
5. Two C.Cs. to the G.P. for Home, High Court Buildings, Hyderabad (OUT).

6. Two C.D.copes.